




TRINITY COUNTY
COMMUNITY DEVELOPMENT SERVICES
BUILDING ♦ PLANNING ♦ ENVIRONMENTAL HEALTH
P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1351 ♦ FAX (530) 623-1353

Kim Hunter, Director

MEMORANDUM

DATE: September 8, 2021

TO: Commercial Cannabis Licensees and Consultants, Members of the Public,

FROM: Kim Hunter, Building & Planning Director 

SUBJECT: Trinity Action Association (TAA) vs County Trinity (Case No. 19cv00) Judgment

On August 27, 2021, Superior Court Judge Boekman presided over a hearing on TAA vs County Trinity regarding the Trinity County Cannabis Division. Judge Boekman ruled for TAA, requiring all attorneys to “meet and confer” to draft an Order that will be heard on September 24, 2021. The more specific details of the Court Order will not be known until that time. Once the Court Order is entered, the Trinity County Planning Department Cannabis Division must adhere to all of the provisions of that Court Order. During the interim, the following summary outlines the current situation.

The basics of the proposed Order:

1. The County may not approve, issue, extend, renew, or prolong the term of any CCL except in compliance with the California Environmental Quality Act (CEQA), and the Trinity County Code.

Therefore, please be aware that:

1. Licenses operating under an extension (pursuant to Urgency Ordinance No. 1355) expired on September 7, 2021.
2. The proposed orders the parties have submitted to the court for consideration propose that harvesting of cannabis may continue until October 31, 2021; but as noted, the Court has not issued any final order, and the Court will ultimately have to determine whether to allow harvesting to continue through this date.
3. TAA and the County have proposed different dates to the court to govern when post-harvesting activities (such as trimming, processing and storage) must end. Ultimately, whether to allow these activities to continue, and the dates the activities must terminate, is a decision only the court can make.
4. Cannabis Operations that currently have fully completed a CEQA document with associated Notice of Determination (NOD) posted by a Lead Agency (Planning Commission) will not be affected by this Order.
5. California State Water Resources Control Board (Water Board) enrollment requirements, such as fees and report, will remain in place.

6. Existing California Department of Fish and Wildlife Lake and Streambed Alteration Agreements (1602) will remain in place.

Ongoing Cannabis Division Activities:

1. Administrative pathways for allowing for the renewal of licenses expiring by September 7, 2021, are being considered. However, any potential renewal is based on a completed and approved site specific CEQA environmental evaluation.
2. Discussion and coordination with the Bureau of Cannabis Control (BCC) regarding state licensure status is currently ongoing.
3. The Transition Plan, which outlines the process for CEQA environmental evaluations, is currently in development and will be heard by the Trinity County Board of Supervisors as soon as possible.
4. The Cannabis Division is in the process of hiring consultant(s) to assist in the review of CEQA environmental documentation.
5. Environmental documentation (Final EIR Appendix C) will be accepted by the County after the Transition Plan is completed and approved by the Board of Supervisors.

Summary:

As a result of the judgment, Urgency Ordinance 1355 could not be extended, a new Urgency Ordinance cannot be adopted, and all Urgency Ordinance license extension letters have expired. Site specific CEQA analysis must be completed for every licensed cultivation site. This includes those licenses that had previously applied for or had been issues Categorical Exemptions (CEs).

Since the Final EIR was certified in December of 2020, the Appendix C checklist is now the environmental document that will be accepted for cultivation licenses and relevant documentation must be completed by a qualified environmental professional. All sites, with the exception of those that already have a completed CEQA document adopted by the Planning Commission with a NOD, will need to submit a completed Appendix C checklist.

Additional information will be posted on the Commercial Cannabis Program website when it becomes available. The link for this site is: <https://www.trinitycounty.org/Commercial-Cannabis>